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C. REMARKS**1. Summary of the Claims**

Claims 1-7 and 9-19 are currently pending in the application. Claims 1, 9, and 13 are independent claims. Claims 2, 6, 9, 10, 11, 13, 14, and 18 have been amended. Claims 8 and 20 have been cancelled. No claims have been added. Reconsideration of the claims is respectfully requested.

2. Examiner Interview

Applicants note with appreciation the telephonic interview conducted between Applicants' patent agent, Scott Schmok, the Examiner, and the Examiner's supervisor on June 22, 2004. During the telephonic interview, Applicants' patent agent discussed the differences between Applicants' invention over the prior art in that the prior art reference cited (Cole, U.S. Patent No. 6,005,578 and Weinberg et al. (hereinafter Weinberg), U.S. Patent No. 6,237,006). In particular, Applicants' patent agent emphasized that neither reference, either alone or in combination with one another, teach or suggest "*identifying a plurality of display attributes, wherein one or more of the display attributes corresponds to each of the layers*" and "*applying the display attributes corresponding to the layer for each of the matched objects, wherein the objects in a first layer from the plurality of layers are visually distinguished from the objects in the other plurality of layers based upon the display attributes of the first layer*" as claimed by Applicants.

The Examiner's supervisor suggested to amend claims 1, 9, and 13 to further limit Applicants' "display attributes" in order to clearly read over the art of record because Cole suggests spatially separating objects corresponding to layers. Although Applicants' patent agent does not concede that the cited references teach or suggest Applicants' claimed invention, Applicants have made such amendments to Applicants' independent claims. In addition, Applicants have also included another limitation into Applicants' independent claims that was originally in Applicants' dependent claims in order to place Applicants' invention in condition for allowance. While no agreement was reached regarding the claims, Applicants respectfully submit that, as explained in

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further detail below, the amendments made to independent claims 1, 9, and 13, place these claims in condition for allowance.

Although not discussed in the Examiner interview, Applicants wish to point out that, per MPEP 714.12, *"After a final rejection or other final action (§1.113), amendments may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office Action. Amendments presenting rejected claims in better form for consideration on appeal may be admitted."*

3. Claim Rejections 35 U.S.C. § 103

The Final Office Action mailed May 12, 2004, maintains rejection of claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable in view of Cole and further in view of Weinberg. This rejection is respectfully traversed.

Applicants still assert that the Office Action fails establish a *prima facie* case of obviousness under § 103 because the Office Action fails to show that the cited references teach or suggest all of Applicants' claim limitations. In particular, Applicants assert that the Office Action fails to show that the cited references teach or suggest, either alone or in combination, *identifying a plurality of display attributes, wherein one or more of the display attributes corresponds to each of the layers... applying the display attributes corresponding to the layer for each of the matched objects, wherein the objects in a first layer from the plurality of layers are visually distinguished from the objects in the other plurality of layers based upon the display attributes of the first layer.*" Support for Applicants' assertion was described in detail in the Response to Office Action that was filed March 3, 2004.

In addition, Applicants still assert that the Office Action's rejection uses impermissible hindsight in concluding that Applicants' claims are obvious. The Final Office Action states that an impermissible hindsight argument is improper when a *prima facie* case of obviousness is clearly established. In this case, Applicants assert, as discussed above, that a *prima facie* case of obviousness has not been established and, therefore, an impermissible hindsight argument is proper. Support for Applicants'

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assertion was described in detail in the Response to Office Action that was filed March 3, 2004. It is Applicants' firm understanding that impermissible hindsight is not allowed in rejecting Applicants' claims as being obvious under applicable rules set forth in the MPEP. Applicants respectfully request that the Examiner describe how impermissible hindsight is allowed, as alleged in the Office Action, and provide Applicants with citations from the MPEP supporting the Examiner's use of impermissible hindsight.

In response to the Examiner Interview conducted on June 22, 2004, Applicants have amended claim 1 to further qualify that Applicants' "display attributes" do not include attributes that spatially distinguish objects based upon their corresponding layers. In addition, Applicants have also included the limitation included in Applicants' original dependent claim 8 into claim 1 in order for Applicants' invention to clearly read over the art of record.

The limitations set forth in Applicants' claim 1, as amended, include:

selecting one or more objects to be displayed in a plurality of layers;

identifying a plurality of non-spatially distinguishable display attributes, wherein one or more of the non-spatially distinguishable display attributes corresponds to each of the layers;

matching each of the objects to one of the layers;

applying the non-spatially distinguishable display attributes corresponding to the layer for each of the matched objects;

determining a layer order for the plurality of layers, wherein the layer order determines a display emphasis corresponding to the objects from the plurality of objects in the corresponding layers; and

displaying the objects with the applied non-spatially distinguishable display attributes based upon the determination, wherein the objects in a first layer from the plurality of layers are visually distinguished from the objects in the other plurality of layers based upon the non-spatially distinguishable display attributes of the first layer.

Neither Cole nor Weinberg, teach or suggest, either alone or in combination with one another, non-spatially distinguishing an object from other objects based upon the object's associated layer as claimed by Applicants. Therefore, claim 1 as amended is allowable under 35 U.S.C. § 103 over Cole in view of Weinberg.

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Applicants' second element of claim 1 includes the limitation of "*identifying a plurality of non-spatially distinguishable display attributes, wherein one or more of the non-spatially distinguishable display attributes corresponds to each of the layers.*" Applicants' display attributes might include attributes such as "*color hue, color value, color saturation, size, three dimensional image, animation, shading, fill pattern, line pattern, line weight, opaqueness, transparency, shape, and object anomaly*" (claim 6, lines 3-7). In other words, Applicants' display attributes correspond to the object's appearance.

In contrast, Cole uses layers to organize objects into groups, but Cole does not teach or suggest, in whole or in part, identifying display attributes, and, therefore, does not teach or suggest, identifying a plurality of display attributes to correspond to a layer as claimed by Applicants. Specifically, Cole points out that

In many cases, the navigable structure may be organized using one or more themes. For example, in the case of interactive television systems, it would be appropriate to devote each level to a different genre of programming, such as comedy movies, action movies, and so on. As another example, an interactive learning system might devote upper [layers] to space and sky and lower [layers] to earth and sea. (col. 2:12-18)

During the Examiner interview, it was suggested that Cole uses layer attributes to spatially separate objects that correspond to particular layers. However, Cole does not teach or suggest identifying display attributes, rather the objects are spatially separated by default in order to group the objects for navigational purposes. Applicants have amended claim 1 as discussed above to exclude "spatially" separating objects as a method of distinguishing objects that correspond to a particular layer.

Applicants' fifth element of claim 1 was originally in Applicants' original claim 8, and adds a limitation of "*determining a layer order for the plurality of layers, wherein the layer order determines a display emphasis corresponding to the objects from the plurality of objects in the corresponding layers.*" Cole does not determine a layer order but rather navigates between layers depending on user input. In addition, Cole does not

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teach or suggest determining a display emphasis to correspond to objects in the corresponding layers. Furthermore, Weinberg, as discussed above, does not teach or suggest using layers and, therefore, does not teach or suggest determining a layer order.

The Final Office Action suggests that Cole and Weinberg teach this limitation in Cole's Figure 2 and Weinberg's Figures 1 through 6. Upon review, however, Cole, in Figure 2, shows a navigable structure and Cole's discussion of Figure 2 centers around navigating through the navigable structure. Cole does not teach or suggest placing a display emphasis on any object based upon a layer order as claimed by Applicants. In addition, upon further review of Weinberg's Figures 1 through 6, Weinberg shows various views of a web site map, but, since Weinberg never teaches the use of layers, it is apparent that Figures 1 through 6 do not teach "*determining a layer order*" as claimed by Applicants.

Applicants' sixth element of claim 1 adds a limitation of "*applying the display attributes corresponding to the layer for each of the matched objects*." In contrast, as discussed above, Cole does not teach or suggest using display attributes to change the appearance of an object and, therefore, does not teach or suggest Applicants' fifth element of claim 1. The Office Action suggests incorporating the teaching of Weinberg with that of Cole to specify display attributes to correspond to a layer. Weinberg teaches the use of an API to change display attributes of nodes and links. Specifically, Weinberg states that his "*architecture includes an API...that allow[s] other applications (plug-ins) to, among other things, manipulate the display attributes of the nodes and links within a site map*" (col. 2: 62-66, emphasis added). However, Weinberg does not teach or suggest the use of layers, but rather suggests the manipulation of an object (e.g. node or link) on an individual basis using a separate application through an API. Therefore, Cole and Weinberg, either alone or in combination with one another, do not teach or suggest, in whole or in part, "*applying display attributes corresponding to a layer for each...object*" as claimed by Applicants.

Finally, to illustrate the differences between Applicants' invention and the art of record, Figure 1 is an illustration of how Applicants' invention applies display attributes

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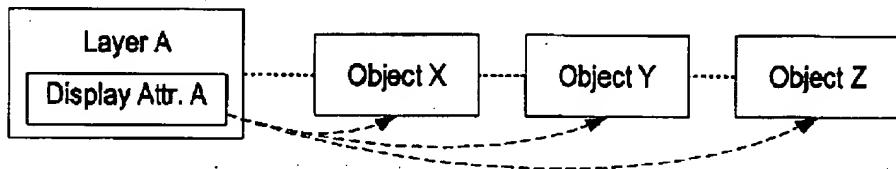
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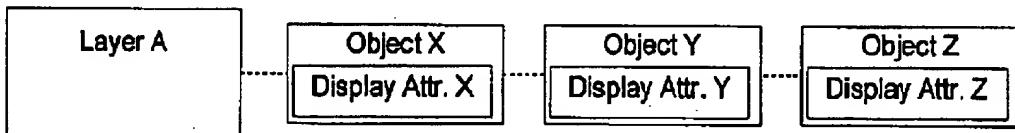
to three objects that correspond to "Layer A." Layer A includes particular display attributes ("Display Attributes A"), which are applied to each object that corresponds to Layer A. For example, if a user wishes to change the appearance of objects that correspond to Layer A, the user changes "Display Attributes A", which, in turn, are applied to corresponding objects "X", "Y", and "Z".

Figure 1: Applicants' Invention Illustration



In contrast, Cole does not teach or suggest display attributes that correspond to layers, but rather teaches attributes that correspond to the objects themselves. Figure 2 is an illustration of how Cole's invention applies display attributes to three objects that correspond to "Layer A." As can be seen, each of the objects has individual display attributes, but Cole does not teach the use of "layer attributes." Using the example described above, if a user wishes to change the appearance of objects that correspond to Layer A using the Cole invention, the user must individually change the display attributes for each object. Therefore, the user would have to change "Display Attributes X," "Display Attributes Y," and "Display Attributes Z."

Figure 2: Cole's Invention Illustration



Weinberg's teachings are similar to Cole's teachings in that Weinberg changes display attributes on an object-by-object basis, especially since Weinberg does not teach or suggest the use of layers.

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Therefore, for at least the aforesaid reasons, neither the Cole reference nor the Weinberg reference teach or suggest, alone or in combination with one another, the limitations of Applicants' claim 1 as amended. Therefore, claim 1 as amended is allowable under 35 U.S.C. § 103 over Cole in view of Weinberg.

Claim 9 as amended is an information handling system claim including the same limitations as set forth in claim 1, so rejections to claim 9 as amended are traversed for at least the same reasons set forth above for amended claim 1. Claim 13 as amended is a computer program product claim including the same limitations as set forth in claim 1 as amended, so the rejection to claim 13 is traversed for the same reasons as amended claim 1.

Notwithstanding that fact, that claim 2 is dependent upon amended claim 1 and is therefore allowable for at least the same reasons as claim 1, claim 2 is also allowable as this claim is not obvious in light of Cole in view of Weinberg. Claim 2 further limits claim 1 by claiming the additional limitations of:

- receiving a request from a user to rearrange the layers;
- rearranging the layers in response to the request, the rearranging including:
- re-matching one or more objects to a different layer from the plurality of layers;
- applying the display attributes corresponding to the different layer to the one or more re-matched objects; and
- displaying the one or more re-matched objects.

Applicants' second element of claim 2 adds the limitation to claim 1 of "*rearranging the layers in response to the request....*" The Final Office Action states various teachings of Weinberg to reject Applicants' second element of claim 2. Although Weinberg does teach the generation of graphical site maps and the ability to zoom in and out, Weinberg never teaches "*re-arranging layers*," let alone the use of "layers" at all. Therefore, Applicants assert that neither Cole nor Weinberg teach or suggest, alone or in combination with one another, the limitations of claim 2. Therefore,

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Applicants assert that the rejection of claim 2 has been traversed and claim 2 is allowable under 35 U.S.C. § 103 over Cole in view of Weinberg.

Claim 10 is an information handling system claim including the same limitations as set forth in claim 2, so rejections to claim 10 is traversed for at least the same reasons set forth above for claim 2. Claim 14 is a computer program product claim including the same limitations as set forth in claim 2, so the rejection to claim 14 is traversed for the same reasons as claim 2.

Claims 3 through 7 are dependent upon claim 1 and therefore are allowable for at least the same reasons as claim 1 as described above. Claims 11-12 are dependent claims of claim 9 and therefore are allowable for at least the same reasons as claim 9 is allowable. Claims 15 -19 are dependent claims of claim 13 and therefore are allowable for at least the same reasons as claim 13 is allowable.

CONCLUSION

As a result of the foregoing, it is asserted by Applicants that the amended claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

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